UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,060	03/23/2004	Jonathan Maron	100202433-2	4057

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EXAMINER
JOHNSON, JOHNESE T

ART UNIT	PAPER NUMBER
2166	

MAIL DATE	DELIVERY MODE
05/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/807,060	MARON, JONATHAN
	Examiner	Art Unit	
	Johnese Johnson	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 March 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Remarks

1.   In response to the Amendment filed on March 8, 2007, claims 1-20 are pending

in this application.

2.   The rejections made under 35 USC 112 second have been withdrawn.

Claim Objections

3.   Claims 17, 19, and 20 are objected to because of the following informalities:

Claims 17, 19, and 20 recite, "code for", which is intended use. Claims should be

amended to recite, "code to". Appropriate correction is required.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

5.   Claims 10 and 17-20 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

The content of claims 10 and 17 are directed to software modules which are

small sections of program code/software per se. Program code is also known as

functional descriptive material (See In re Warmerdam, 33 F3d at 1360, 31 USPQ2d at

1759). The content is not structurally and functionally interrelated to a computer-readable medium thereby rendering it incapable of producing a useful, concrete and tangible result and is therefore, non- statutory. The claims should be amended to recite hardware in the body of the claims.

Claims 17-20 recite, "computer-readable medium that comprises executable instructions". According to Applicant's specification, paragraph [0027], lines 6-10, " The executable instructions or code may be obtained from a readable medium ... or communicated via a data signal from a communication medium". When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory. The claims must be amended to recite, "computer-readable storage medium" to overcome the rejection.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by

Robertson et al. (US. PG. Pub. No. 2002/0174191).

As to claim 1, Robertson et al. disclose:

A method to provide a service in a controlled run-time environment,

comprising:

registering a proxy service in said controlled run-time environment wherein said proxy

        service implements an interface defined according to said controlled run-time

        environment configured to services operating in said controlled run-time

        environment to interoperate with said proxy service (see paragraph [0190], lines

        1-2, and paragraph [0121],lines 6-11; wherein the controlled run-time

        environment is an EJB container);

receiving service information by said proxy service from a local service executing in said

        controlled run-time environment via an interface method of said proxy service

        (see paragraph [0101], lines 18-29);

communicating said service information to a remote service from said proxy service

        (see paragraph [0195], lines 4-11);

receiving processed information from said remote service in response to said

        communicating (see paragraph [0101], lines 20-29); and

returning said processed information to said local service from said proxy service (see

        paragraph [0101], lines 20-29).

As to claims 2 and 18, Robertson et al. disclose:

wherein said proxy service is an object of a class that is instantiated by said controlled

run-time environment (see paragraph [0017], lines 9-10).

As to claims 3 and 13, Robertson et al. disclose:

wherein said controlled run-time environment means instantiates said object in a

partition (see paragraph [0336], lines 1-2)and only permits services operating in said

partition to access said proxy service (see paragraph [0299]; wherein EJBs extend the

attributes of Java thereby delivering access security).

As to claim 4, Robertson et al. disclose:

wherein said communicating service information comprises:

encapsulating said service information in an extensible mark-up language (XML) file

(see paragraph [0196], lines 7-10; wherein information is encapsulated, and paragraph

[0089], lines 9-13; wherein information can be in xml).

As to claims 5 and 14, Robertson et al. disclose:

security management means for exposing said proxy service only when said security

management means determines access is permitted according to security parameters

(see paragraph [0299]; wherein EJBs extend the attributes of Java thereby delivering

access security, and paragraph [0295], lines 22-27).

As to claim 6, Robertson et al. disclose:

wherein said exposing comprises: determining user-level authorization from said

security parameters (see paragraph [0295], lines 22-27; wherein the container manages

access of multiple users).

As to claim 7, Robertson et al. disclose:

wherein said exposing comprises: determining process-level authorization from said

security parameters (see paragraph [0295], lines 22-27; wherein the container manages

control of transactions).

As to claims 8 and 15, Robertson et al. disclose:

further comprising: creating a log of access to said remote service (see paragraph

[0295], lines 22-27 and paragraph [0121], line 11; wherein the invention can be

implemented via WebSphere and WebSphere tracks EJB access via log).

As to claims 9 and 16, Robertson et al. disclose:

wherein said communicating said service information comprises: performing a remote

procedure call (see paragraph [00135] – performs RMI) .

As to claim 10, Robertson et al. disclose:

A system to provide a modular software service, comprising:

controlled run-time environment means for managing processes (see paragraph [0295],

line 1-8);

service registry means for registering services operating in said controlled run-time

environment means, wherein at least one registered service is a proxy service

means (see paragraph [0190], lines 1-2);

said proxy service means (see paragraph [0190], line 1) implementing an interface

defined according to said controlled run-time environment means for enabling

services operating in said controlled run-time environment means to interoperate

with said proxy service means, said proxy service means comprising:

means for receiving service information by said proxy service means from

a local service executing in said controlled run-time environment means

(see paragraph [0101, lines 18-29);

means for communicating said service information to a remote service from said

proxy service means (see paragraph [0195], lines 4-11);

means for receiving processed information from said remote service in response

to said communicated service information (see paragraph [0101], lines 20-

29); and

means for returning said processed information to said local service (see

paragraph [0101], lines 20-29).

As to claims 11 and 19, Robertson et al. disclose:

wherein said proxy service means further comprises:

means for verifying said service information that is operable before said means

for communicating (see paragraph [0121], lines 6-11, and paragraph [0190], lines 1-5).

As to claims 12 and 20, <u>Robertson et al.</u> disclose:

wherein said proxy service means further comprises:

means for communicating with a distributed service registry to identify said

remote service (see paragraph [0142]).

As to claim 17, <u>Robertson et al.</u> disclose:

A computer-readable medium that comprises executable instructions for

providing a service in a controlled run-time environment, said executable

instructions comprising (see Abstract, lines 2-3; wherein code used to implement the

system in accessed via computer readable media):

code for registering a proxy service in said controlled run-time environment wherein said

       proxy service implements an interface defined according to said controlled run-

       time environment to enable services operating in said controlled run-time

       environment to interoperate with said service (see paragraph [0190], lines 1-2,

       and paragraph [0121],lines 6-11; wherein the controlled run-time environment is

       an EJB container);

code for receiving service information by said proxy service from a local service

       executing in said controlled run-time environment via a method of said proxy

       service (see paragraph [0101], lines 18-29);

code for communicating said service information to a remote service from said proxy

service (see paragraph [0195], lines 4-11);

code for receiving processed information from said remote service in response to said

communicating (see paragraph [0101], lines 20-29); and

code for returning said processed information to said local service from said

proxy service (see paragraph [0101], lines 20-29).

Response to Arguments

8.   Applicant's arguments filed March 8, 2007 have been fully considered but they

are not persuasive.

Applicant's arguments that, in claim 1, Robertson et al. does not disclose

"receiving service information by said proxy service" is acknowledged but not

persuasive.

Robertson et al. disclose "receiving service information by said proxy service"

(see paragraph [0101], lines 18-29; wherein the CORBA client receives information at

run time from the CORBA object via the ORB proxy).

With respect to claim 10, applicant's arguments that, Robertson et al. does not

disclose "means for receiving service information by said proxy service means from a

local service executing in said run-time environment means" is acknowledged but not

persuasive.

Robertson et al. disclose "means for receiving service information by said proxy

service means from a local service executing in said run-time environment means" (see

paragraph [0101], lines 18-29; wherein the CORBA client receives information at run

time from the CORBA object (in which the ORB provides a proxy object in the client's

address space which creates the illusion that Corba object is a local service or process)

via the ORB proxy).

With respect to claim 17, applicant's arguments that, Robertson et al. does not

disclose "code for receiving service information by said proxy service from a local

service executing in said run-time environment via a method of said proxy service" is

acknowledged but not persuasive.

Robertson et al. disclose "code for receiving service information by said proxy

service from a local service executing in said run-time environment via a method of said

proxy service" (see paragraph [0101], lines 22-25 wherein ORBs manage the

interactions between client and object implementation . Client issues a request and

invokes methods of object implementations).

9.   The rejections made under 35 U.S.C. 101 with respect to claims 10 and 17-20

are maintained because Applicant did not correct the claims in the manner that the

examiner suggested. Claim 10 must recite hardware in the body of the claims and

claims 17-20 must recite "computer-readable storage medium" to over come the

rejections.

Conclusion

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

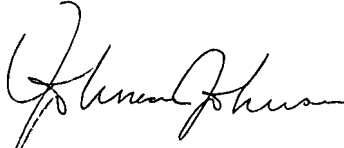policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Johnese Johnson whose telephone number is 571-270-

1097. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

1 May 2007
JJ

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER